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May 29, 2020

By ECF

Honorable Edgardo Ramos
 United States District Judge
 United States Courthouse
 40 Foley Square
 New York, NY 10007

Re: *United States v. Neil Cole,*
 19 Cr. 869 (ER)

Dear Judge Ramos:

On behalf of Mr. Cole, we are responding to the letter from the government to the Court earlier today. We appreciate that the Court will proceed with the June 4 conference by telephone. We nevertheless want to make clear our opposition to the open-ended, three-month delay of the schedule “until late August 2020” proposed by the government.

Although we recognize there is significant uncertainty based on the ongoing COVID-19 crisis, we nevertheless would like to schedule trial for the earliest possible date consistent with health and safety considerations. The government’s proposal is not consistent with that objective.

We also are concerned that the open-ended, three-month delay proposed by the government may be an attempt to have the trial scheduled for the convenience of two of the prosecutors (who have an early October trial scheduled before Judge Rakoff), rather than in the interests of justice. We therefore object to the exclusion of time under the Speedy Trial Act until late August 2020 on the terms proposed by the government.

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Honorable Edgardo Ramos
May 29, 2020

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The open-ended delay sought by the government is particularly inappropriate in this case. In addition to being baseless, the indictment here involves transactions that took place six to seven years ago that are wholly immaterial (the total dollar value of the challenged transactions represents 1.4 percent of company revenues for the relevant period). Mr. Cole's life has been upended by government investigations for more than five years that have made it impossible for him to obtain professional opportunities and employment in the brand licensing business. The interests of justice firmly support providing Mr. Cole with the earliest reasonable opportunity to clear his name and re-capture his reputation.

Accordingly, we look forward to the June 4 conference and exploring the possibility of a fall trial date.

Respectfully yours,

/s/ Lorin L. Reisner
Lorin L. Reisner

cc: Counsel of Record (by ECF)